

County to issue or cause to be issued any warrant, scrip, or other evidence of indebtedness, or to create any debt against the Road and Bridge fund of said county, except as authorized by this Act in excess of the current revenues of said county for Road and Bridge purposes; provided, that in case of great calamity or urgent public necessity, said Court may issue warrants against the Road and Bridge fund in excess of the current revenue, for the purpose of repairing roads and building bridges occasioned by such calamity or urgent public necessity, but in no instance shall such warrants exceed the limitations provided by the Constitution and Laws of this State; and provided, further, that no warrant shall be issued for such purposes until first authorized by order passed by said Court, and provided, further, that said order shall recite fully the necessity therefor and particularly specify the several purposes for which said warrants are to be issued, which said order shall be spread upon the Minutes of said Court, and shall be published at least one time in some newspaper published in McMullen County before said warrants are issued. If no newspaper is being published in said county, then in some newspaper in an adjoining county nearest the County Seat of said McMullen County.

SEC. 4. The fact that McMullen County has a large amount of valid Road and Bridge warrants outstanding which can be refunded by the issuance of bonds at a lower rate of interest, with a more convenient schedule of maturity, constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and such Rule is hereby suspended, and that this Act be in force and effect from and after its passage, and it is so enacted.

Approved May 22, 1929.

Effective May 22, 1929.

[NOTE: H. B. No. 101 passed the House by a vote of 109 yeas, 0 nays; passed the Senate by a vote of 28 yeas, 0 nays.]

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## REGULATING BARBERS.

H. B. No. 104.]

CHAPTER 65.

An Act relating to the practice of barbering; providing who shall practice barbering and who shall serve as a barber student and barber's assistant, and requiring the certificate as a registered barber and a certificate of registration as a student and assistant barber, and providing for qualifications of a barber and a student and assistant barber, and the qualifications of a barber and assistant barber shall possess in order to receive a certificate and to practice barbering; providing who are exempt from the provisions of this Act, the standard of education and the qualifications for certificates of registration as a registered barber and as a registered assistant barber; providing for the examination of applicants by a Board for a certificate of registration;

providing the age, character, and habits of each person to whom a certificate may be issued as a practicing barber and as an assistant barber; providing for the issuance of a certificate of registration to a barber and an assistant barber from other States; providing that persons, who for two years immediately preceding the taking effect of this Act, have been continuously engaged in the practice of barbering and possessing the necessary qualifications may be granted a certificate of registration without examination upon paying the required fee; providing that an assistant barber who has been practicing as such under the supervision of a practicing barber on and prior to the 1st day of November, 1929, by making application to the Board and paying the required fee shall be given credit for the time previously spent in such practice; providing for the renewal and restoration of certificates of registered barbers and registered assistant barbers, and fixing fees therefor; providing for the refusal and revocation of certificates by the Board, and for hearings thereon, and defining the barber business, prescribing the work and conditions of sanitation, and other condition under which the work and business is to be conducted; providing for the payment of fees for examination, prohibiting certain acts and things enumerated in the Act and as set forth herein, and providing a penalty for the violation thereof; providing that wilful making of false statement in any material matter in any oath or affidavit required by the provisions of this Act shall be punishable as false swearing under the Laws of this State; providing for the creation of a Board of Barber Examiners, consisting of three members to be appointed by the Governor, and providing for their qualification and appointment and term of office, and for their removal by the Governor for causes enumerated in the Act; providing for the organization of said Board by the election of a president and secretary, and prescribing the duties to be performed by each in accordance with the provisions of this Act, and the bond to be given by the secretary for the faithful performance of his duties, the compensation each member of the Board is to receive, all salaries and fees to be paid in accordance with the Law, designating the State Treasurer custodian of all funds; providing the Board shall have authority to make rules and regulations for the administration of this Act prescribing sanitary requirements for barber shops and barber schools subject to the approval of the State Board of Health, and providing that the Board, or its agents or assistants shall have authority to inspect any barber shop or barber school at any time during business hours; providing a copy of the rules and regulations adopted by the Board and State Board of Health shall be furnished the owner or manager of each barber shop and barber school, and shall be posted in a conspicuous place in said shop or school; providing the Board shall keep a record in its proceedings relating to the issuance, refusal, renewal, suspensions, and revocation of certificates of registration which shall be open to the inspection of the public at reasonable times, and shall make and prepare an annual report to the Comptroller and such information in regard to same as he may require; and providing a method of paying salaries and expenses in order to carry on the work of the barber Board Examiners, and appropriating funds credited to the State Treasury; and providing that, should any part or portion of this Act be declared unconstitutional by a court of last resort in this State, it shall not affect the remainder of the Act; providing that this Act shall become effective and be in force on and after the 1st day of September A. D., 1929, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That it shall be unlawful for any person to engage in the practice or attempt to practice barbering in the State of Texas without a certificate or registration as a registered barber issued pursuant to the provisions of this Act, by the Board of Barber Examiners hereinafter created.

SEC. 2. That it shall be unlawful for any person to serve or attempt to serve as an assistant barber under a registered barber within the State of Texas without a certificate of registration as a registered assistant barber, issued by the Board herein provided for.

SEC. 3. That it shall be unlawful for any person to operate a barber shop within this State unless such shop shall at all times be under the direct supervision and management of a registered barber.

SEC. 4. The practice of barbering is hereby defined to be any of, or any combination of the following practice for hire or reward:

- (a) Shaving or trimming beard, or cutting the hair;
- (b) Giving facial and scalp massage, or applications of oils, creams, lotions, or other preparations, either by hand or mechanical appliances;
- (c) Singeing, shampooing, or dyeing the hair or applying hair tonics;
- (d) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck, or upper part of the body.

SEC. 5. No registered assistant barber shall independently practice barbering, but he may as an assistant barber do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber.

SEC. 6. The following persons shall be exempt from the provisions of this Act while in the proper discharge of their professional duties:

- (a). Persons authorized by the laws of the State of Texas to practice medicine;
- (b). Commissioned medical or surgical officers of the United States Army, Navy, or Marine hospital service;
- (c). Registered nurses;
- (d). Persons practicing beauty culture;

However, the provisions of this Section shall not be construed to authorize any of the persons exempted to shave or trim the beard or cut the hair of any person for cosmetic purposes, except those persons included in subdivision (d) hereof shall be allowed to cut the hair.

Sec. 7. Any person is qualified to receive a certificate of registration to practice barbering

- (a). Who is qualified under the provisions of Section 8 of this Act;
- (b). Who is at least eighteen years of age;
- (c). Who is of good moral character and temperate habits; and
- (d). Who has passed a satisfactory examination conducted by the Board to determine his fitness for practicing barbering.

Provided, however, that an applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the Board must continue

to practice as an assistant barber for an additional six months before he is again entitled to take the examination as a registered barber.

SEC. 8. Any person is qualified to receive a certificate of registration as a registered assistant barber

- (a). Who is at least sixteen and one-half years of age; and
- (b). Who is of good moral character and temperate habits; and
- (c). Who has graduated from a school of barbering approved by the Board; and
- (d). Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice as a registered assistant barber.

SEC. 9. No school of barbering shall be approved by the Board unless it requires as a prerequisite to admission thereto graduation from a seventh grade of a grammar school, or its equivalent, as determined by an examination conducted by the Board, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,000 hours to be completed within six months of not more than eight hours in any one working day, such course of instruction to include the following subjects: Scientific fundamentals of barbering, hygienic bacteriology, histology of the hair, skin, and nails, muscles and nerves, structure of the head, face, and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands and nails, massaging and manipulating the muscles of the scalp, face, or neck, hair cutting, shaving, and arranging, dressing, coloring, bleaching, and tinting of the hair.

SEC. 10. Each applicant for an examination shall

(a) Make application to the Board on blank forms prepared and furnished by the Board for an examination before the Board, which application shall be in such form and shall contain such matters as may be required by the Board, and shall be verified by the oath of said applicant:

(b) Each applicant shall at the time of the presentation of the application furnish to the Board photographs of such applicant, one to accompany the application and one to be returned to the applicant to be presented to the Board when applicant appears for examination.

(c) Each applicant shall at the time of the presentation of the application pay to the Board the fee required under this Act.

SEC. 11. The Board shall conduct examination of applicants for certificates of registration to practice as registered barbers and of applicants for certificates of registration to practice as registered assistant barbers and of applicants to enter barber schools to determine their educational fitness, not less than four times each year, at such times and places as the Board may determine and designate. The examination of applicants for certificates of registration as registered barbers and as registered assistant barbers shall include both a practical demon-

stration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the Board.

SEC. 12. Whenever the provisions of this Act have been complied with, the Board shall issue to any applicant a certificate of registration as a registered barber or as a registered assistant barber, where such applicant shall have passed a satisfactory examination making an average grade of not less than seventy-five per cent, and who shall possess the other qualifications required by this Act.

SEC. 13. Any person who is at least sixteen and one-half years of age, and who can furnish evidence of good moral character and temperate habits, and who has a diploma showing graduation from a seven-grade grammar school, or its equivalent as determined by an examination conducted by the Board, and either

(a) Has a license or certificate of registration as a practicing barber from another State or country, which has substantially the same requirements for licensing or registering barbers as required by this Act, or

(b) Who can prove by personal affidavit that he has practiced as a barber in another State for at least two years immediately prior to making application in this State, and who possesses the qualifications required by this Act, shall, upon payment of the required fee, be issued a permit to practice as a journeyman barber only until he is called by the Board of Barber Examiners to determine his fitness to receive a certificate of registration to practice barbering. Should such applicant fail to pass the required examination he shall be allowed to practice as a journeyman barber until he is called by the Board for the next term of examination. Should he fail at the examination he must cease to practice barbering in this State.

SEC. 14. Any assistant barber who is at least sixteen and one-half years of age and who is of good moral character and temperate habits and who has a diploma showing graduation from a seventh grade grammar school, or an equivalent education as determined by an examination conducted by the Board, and who has a certificate of registration as an assistant barber in a State or country which has substantially the same requirements for registration as an assistant barber as is provided for by this Act, shall upon payment of the required fee be issued a permit to work as an assistant barber until called by the Board of Examiners for examination to determine his fitness to receive a certificate of registration as an assistant barber. Should such person be able to pass the required examination, he will be issued a certificate of registration as a registered assistant barber, and that the time spent in such other State or country as an assistant barber shall be credited upon the period of assistant barber required by this Act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

SEC. 15. That any person who has practiced as an assistant barber in another State or country which does not have substantially the same requirements for registration as an assistant barber as is required by this Act, and who has the qualifications required in subdivisions (a), (b), (c), (d), and (e) of Section 8 of this Act, shall be credited with the time so spent as an assistant barber in such other State or country, upon the period of service as assistant barber required by this Act, as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

SEC. 16. That any person who has for two years immediately preceding the taking effect of this Act been continuously engaged in the practice of barbering at one or more established places of business, shall be granted a certificate of registration as a registered barber without examination by making application to the Board on or before the 1st day of November, 1929, and paying the required fee.

SEC. 17. That any person, who on and prior to the taking effect of this Act was practicing as an assistant barber under the supervision of a practicing barber, shall be granted a certificate of registration to practice as an assistant barber by making application to the Board on or before the 1st day of November, 1929, and paying the required fee, and shall be given by the Board credit for the time previously spent in such practice.

SEC. 18. That any person who on or prior to the date of the taking effect of this Act was a student in a school of barbering is qualified upon graduation from such school to take the examination for a certificate of registration to practice as an assistant barber, without regard to whether such school complied with the standards for approval specified in Section 9 of this Act.

SEC. 19. Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work-chair in the shop in which he is working or employed.

SEC. 20. That every registered barber and every registered assistant barber, who continues in active practice or service, shall annually on or before the 1st day of November of each year renew his certificate of registration. Every certificate of registration which has not been renewed prior to that date shall expire on the 1st day of November of that year. A registered barber or a registered assistant barber, whose certificate of registration has expired, may, within thirty days thereafter and not later, have his certificate of registration restored upon making a satisfactory showing to the Board, supported by his personal affidavit, which in the opinion of the Board, will excuse the applicant for having failed to renew his certificate within the time required by this Act. Any registered barber who retired from the practice of barbering for not more than five years may renew his certificate of registration by making proper showing to the Board, supported by his personal affidavit, which in the opinion of the Board would justify the Board

in issuing a certificate to such applicant as upon an original application upon payment of One Dollar (\$1.00) when filing affidavit as fee for making examination.

SEC. 21. The Board shall either refuse to issue or to renew, or shall suspend or revoke any certificate of registration for any one of, or a combination of the following causes:

(a) Conviction of a felony shown by a certificate copy of the record of the trial wherein the conviction was had;

(b) Gross malpractice or gross incompetency;

(c) Continued practice by a person knowingly having an infectious or contagious or communicable disease;

(d) Advertising by means of knowingly making false or deceptive statements;

(e) Advertising, practicing, or attempting to practice under another's trade name or another's name;

(f) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit forming drugs;

(g) Immoral conduct; and

(h) The commission of any of the offenses described in Section 24 of this Act.

(i) No certificate shall be issued or renewed unless and until each applicant shall present a health certificate from a regular practicing medical doctor showing that the applicant is free from any kind of infectious or contagious diseases, tuberculosis, communicable diseases, free from the use of any kind of morphine, cocaine, or other habit-forming drug, or a habitual drunkard and that said applicant shall make affidavit to said medical examination that all of said facts are true.

SEC. 22. That the Board shall neither refuse to issue nor to renew nor to suspend, nor revoke any certificate of registration, however, for any of the causes enumerated in Section 21 hereof unless the person accused has been given at least twenty days' notice in writing of the specific charge against him and shall have been given public hearing before the Board. Upon the hearing of such proceeding the accused shall have the right to be represented by counsel. The Board shall have the power to summon witnesses and to require the production of books, records, and prepare for the purpose of such hearing, and to administer oaths. Any District Court or any Judge of such Court in this State, in term time or in vacation, upon application by the accused or of the Board or a member thereof, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Board, in any hearing relating to the refusal, suspension, renewal, or revocation, or issuing of a certificate of registration, and may order the sheriff or any other peace officer of the county wherein said order is made and entered to serve such process as may be issued in order to compel the attendance of witnesses before said Board, for which services so rendered by such officer or officers the fees and mileage of the sheriff and of witnesses shall be the same as allowed in Criminal cases and shall be paid

from the fund of the Board as herein provided for, as other expenses of the Board are paid, however, the officers shall make claim for fees as in Criminal cases and be paid upon warrant drawn by the Comptroller as in Criminal cases. If the accused shall prevail at such hearing, the Board shall grant him the proper relief without delay. Any investigations, inquiry, or hearing thus authorized may be entertained or held by or before any members or members of the Board, and the finding or order of such member or members, when approved, and confirmed by the Board, shall be deemed a finding or order of the Board, and at such hearing the Board shall be represented by the District Attorney or County Attorney.

SEC. 23. That the fees to be paid to the Board by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering shall be Ten (\$10.00) Dollars.

The fees to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an assistant barber, which entitles the applicant to receive an examination to practice barbering without further charge, shall be Ten (\$10.00) Dollars.

SEC. 24. That each of the following offenses shall constitute a misdemeanor punishable upon conviction in a Court of competent jurisdiction by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars:

(a) The violation of any of the provisions of Sections 1, 2, and 3, of this Act;

(b) Permitting any person in one's employ, supervision, or control to practice as an assistant barber unless that person has a certificate of registration as a registered assistant;

(c) Obtaining or attempting to obtain a certificate of registration by fraudulent representation;

(d) The wilful failure to display a certificate of registration as required by Section 13 of this Act; and

SEC. 25. That the wilful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this Act to be made is false swearing and punishable as such under the laws of this State.

SEC. 26. That a Board to be known as the State Board of Barber Examiners is hereby created and shall consist of three members to be appointed by the Governor upon the taking effect of this Act. Each member of said Board shall be a practical barber who has followed the occupation of a barber of this State for at least five years immediately prior to his appointment. The members of the first Board appointed under this Act shall serve for three years, two years, and one year, respectively, as appointed, and members appointed thereafter shall serve for three years. The Governor may remove any member of the Board for cause. All members appointed by the Governor to fill vacancies in the Board caused by death, resignation, or removal shall serve during the unexpired term of his predecessor.



SEC. 27. The Board shall elect a president and a secretary, and shall provide suitable quarters for the maintenance of its office in the City of Austin, and it shall adopt and use common seal for the authentication of its orders and records. The secretary shall keep a record of all proceedings of the Board, any and all sums of money received by him, with the name and address of the person from whom received. All moneys received by the Board under this Act shall be paid to the Secretary of the Board, who shall give a receipt for the same and shall at the end of each month report to the State Comptroller the total amount of money received by him on behalf of the Board from all sources and shall at the same time deposit with said Treasurer the amount of such receipts. The secretary shall give a bond payable to the State of Texas in the sum of Five Thousand Dollars (\$5,000.00) with sufficient securities, conditioned for the faithful performance of his duties, to be approved and filed with the Comptroller. A majority of the Board in meeting duly assembled may perform and exercise all the duties and powers devolving upon the Board.

Each member of the Board shall be paid and receive Ten Dollars (\$10.00) per day for each day, exclusive of Sunday, while performing duty at the main office, and Ten Dollars per day, inclusive of Sunday, if away from the main office on business of the Board, in performance of his duties as a member of said Board while so engaged, payable monthly. The Board shall report annually to the Comptroller a full statement of its receipts and expenditures, and also a full statement of its work during each year ending on the 31st day of December, together with such recommendations as it may deem proper and expedient.

SEC. 28. The Board shall have authority to make all reasonable rules and regulations for the administration of the provision of this Act, and to prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the State Board of Health in accordance with law inclusive of Chapter 4, Penal Code, 1925. That any member of the Board, or its agents or assistants, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. That a copy of the rules and regulations adopted by the Board shall be furnished by the Board to the owner or manager of such barber shop or barber school, and such copy shall be kept posted in a conspicuous place in such shop or school.

SEC. 29. The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration. This record shall also contain the name, place of business, and residence of each registered barber and registered assistant barber, and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

SEC. 30. If any section, sub-section, sentence, clause, or

phrase of this Act for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

SEC. 31. Nothing herein contained shall be construed to affect or repeal the provisions of any law now in force in this State relating to the practice of barbering, but shall be cumulative thereof.

SEC. 32. This Act shall be known and may be cited as the Texas Barber Law.

SEC. 33. That this Act shall take effect and be in force on and after the 1st day of September, 1929.

Effective September 1, 1929.

[NOTE: H. B. No. 104 passed the House by a vote of 80 yeas, 25 nays; passed the Senate with amendment by vote of 19 yeas, 4 nays; the House concurred in Senate amendment by a vote of 77 yeas, 20 nays; 4 present and not voting. Received in Executive office May 21, 1929. Received in Department of State June 10, 1929, without the signature of the Governor.]

## GRANTING AN EASEMENT TO THE UNITED STATES ON CERTAIN LANDS.

H. B. No. 103.]

CHAPTER 66.

An Act conveying to the United States of America an easement for the construction of the Intra-Coastal Waterway over certain State owned lands in Chambers and Galveston Counties; provided, further, that nothing in this Act shall be construed to affect or impair any vested rights, or the right to use and maintain any bridge or bridges now in existence and the right of the owner of any such bridge to use and maintain the same; providing for the reversion of said lands to the State of Texas under certain contingencies; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That there is hereby granted and conveyed to the Government of the United States of America the free and uninterrupted use, liberty, and easement of constructing and maintaining the proposed Louisiana and Texas Intra-Coastal Waterway over and through disconnected portions of the stream beds of Mud Bayou and East Bay Bayou from approximately Station 1519 to approximately Station 1914 as shown on United States Engineer Department map, "Louisiana and Texas Intra-Coastal Waterway, Sabine River-Galveston Bay Section, Survey of 1926-7, Sheet No. 12, File 16-2-16," the said portions of the stream beds of Mud Bayou and East Bay Bayou covered by this easement being 300 feet wide and located in Chambers and Galveston Counties where the proposed Intra-Coastal Waterway will intersect the meanderings of the bayous.